



IDAHO DEPARTMENT OF HEALTH & WELFARE
DIVISION OF PUBLIC HEALTH

Cottage Food Public Meeting Transcript

H = Division of Public Health Employee

A = Meeting Attendee

H1, H2, etc = Health District Employee

May 12th – Idaho Falls

A: I've sold at the Farmers Market for years and I've always called the Department and made sure that what I was doing was going to fit and be okay. I'm all for meeting standards. I want it to be safe and I want it to be good. If I've got a customer coming back the next week I want them to come back to buy, not to chew me out. I think through training and through those kinds of things, I don't think we need to be messing with it. I think it is a good system. I feel like it is working, why mess with it? I'm always for more education; always for making sure that people understand how this works. I always carry my exemption form. I tell people it is made in my home. I tell them I am a non-pet home. You know those kinds of things.

H: I appreciate that. Let me come back and hit on a couple of things you mentioned. Sir, do you have any thoughts?

A: Sure, I'm out to shut down the Farmers Market and anything else. To me those cottage foods are a problem. As far as people cooking cookies for a church or something, they shouldn't have to have a license cooking for a group like that. But if they are going to sell at the market, that kitchen should be looked at just to be sure it's not full of pets or they don't change the baby's diaper on the counter. I really prefer that there is some legislation, even if it is somebody cooking in their kitchen and selling it. I've ran a commercial kitchen of my own for 10 years. That was one of the highest licenses people had at Market at one time. It is certainly true that the food business is under-regulated. What bothered me was in a lot of states, jams and jellies are considered packaged food, where in the State of Idaho someone can cook it in your kitchen. That was one of our competitions was that she could make it in her home kitchen where as I've got my commercial kitchen to do it in.

H: I appreciate you sharing that, I really do. You were talking about that you tell people that your kitchen is a pet-free kitchen. That's one of the biggest concerns that we do have with some of these, what we call low-risk foods. And it's not to say that we are not concerned about the

food, but we do want to spend our resources and our time on the types of food that we know are more likely than others to cause an illness outbreak. So we generally don't look at something like a jam or jelly in Idaho. That is one of the concerns that we do have about some of these low-risk foods is whether there is a possibility of some sort of contamination from a pet, changing a baby's diaper on the counter, excellent points to consider.

A: Just the condition of the kitchen. Do they have a sink to wash their hands in and the three-compartment sink and all that? That's what it should be.

H: So you bring up the thought of looking at a person's home kitchen. Let me just tell you right now why we don't do that. We generally do not approve private kitchens for use as a food establishment and the primary reason we don't allow private homes for that kind of use is the same laws that we are talking about here, right now also require us to conduct unannounced inspections of food establishments. And we don't think it is fair to expect homeowners to sit around and wait for us to show up for that unannounced inspection. But if we announce the inspection then we are in violation of the laws that we are subject to. So it is kind of a catch-22 that we find ourselves in. So generally we tell folks that we don't allow home kitchens for use as a food establishment unless they are doing these low-risk foods and then we are not even going to look at them.

A: There is still a possibility for contaminants.

A: There is always that possibility in any kitchen. I've had it happen in a restaurant. The reality is there is no legislation, no government over-reach that can protect us 100%. Everything that we put in our mouths, we require a little bit of trust and faith that it is good. So I feel like, as a business person, it is in my best interest to take care with my cookies or that would be disruptive to my business. I mean, that is the first thing that would turn people away. Also, I feel like those kinds of regulations have more of an impact on me as far as handling of the food than say, a surprise inspection, because ultimately, the surprise inspection is if nobody buys my cookies.

H: You know I had a conversation in another area of the State, about labeling. It was interesting. This person and I, we looked at the label as a necessary step but we looked at it for different purposes. I look at the label and I am interested in possible trace-back. If someone calls us up with a complaint can we look at the label and know where it was made? And the person responded back to me, 'I look at the label as marketing my product. I want to sell my candy and I want them to come back next week and buy more candy – so I want them to know where they can buy more candy.'

So, really, all we are doing right now is soliciting comments from people like you. I really don't know where all of this will be. I don't know if there is going to be legislation presented next year. I ultimately don't know what the end solution is going to be. But we are just letting folks know that this conversation did take place at the legislative level this year. And it would have made some changes to the cottage food business. I am here not only to set the record straight.

It is fair to say we don't have a cottage food law. It is not a fair statement to say that these foods are therefore illegal.

We are soliciting comments until July 24th. And consider submitting them as early as possible. We will accept them through July 24th. This is because, with the food code presentation, I go into a little more detail, but if we do have to write rules, I have to follow very strict deadlines that are set in stone. I can't change those. That deadline will allow us to review the comments and incorporate things into the rules if there are rules that are ultimately written. Several different ways to submit comments, this first email address is mine that goes right to my desk, the second email address is a general email address and I try to monitor it daily. There are sometimes we can't get to it but we do try to look at it regularly.